

2006 ANNUAL REPORT



EFFECTIVE, EFFICIENT LEADERSHIP

OFFICE OF
MISSOURI ATTORNEY GENERAL JEREMIAH W. (JAY) NIXON

Protecting taxpayer money

One way the Attorney General's Office protects
Missourians is by saving money for taxpayers.

Saving money in 2006



For every dollar appropriated,



The AG's Office in 2006
saved or generated \$19.40.

Total 2006 state appropriation **\$20,090,310**

Total generated or saved by
the Attorney General's Office

(By division) \$389,814,055

Agriculture and Environment	\$3,100,179
Consumer Protection	14,524,668
Financial Services	20,460,653
Governmental Affairs	161,464,798
Labor	28,434,204
Litigation	149,326,272
Public Safety	12,503,281

Effective, efficient leadership

A MESSAGE FROM ATTORNEY GENERAL JAY NIXON

2006 was a banner year of public service for the Attorney General's Office. It is an honor to work with outstanding attorneys and support staff and to see government work the way it should: effectively, efficiently, and with one important goal — to serve the public.

Every year our office finds new and better ways to serve effectively and efficiently. One indicator of our success is the amount of money we return to the taxpayers. Through aggressive enforcement of the law and effective defense of the state, we returned or saved \$19.40 for every dollar invested in 2006.

But saving taxpayers money is only one example of effective and efficient leadership. It also requires identifying new challenges and issues, and prioritizing accordingly. We face a changing world, and we must respond with new technology and new skills. Whether our role is in protecting consumers, the environment or public safety, we must constantly work harder and smarter.

STAFFING PROFESSIONALS

Effective and efficient leadership also requires staffing an office with top-notch professionals and providing them the support and the tools to get the job done. Often, getting the job done requires long hours on the road



Randy Kirby, Sedalia News-Journal

With shirt sleeves rolled up in the July heat, Attorney General Nixon speaks to a gathering in Sedalia.

and days away from home, as demonstrated by the 794 cases in 94 counties handled by our Public Safety Division; the 1,258 legal matters in 97 counties undertaken by our Agriculture and Environment Division; or the educational presentations and information given at more than 100 locations throughout the state by our Consumer Protection Division.

SHARING KNOWLEDGE

Our attorneys and investigators also share their expertise with other Missouri officials. Career prosecutors from our office provide instruction for the Highway Patrol academy, and computer crime investigators train prosecutors and law enforcement in all parts of the state.

More than 1,900 local public officials have participated in our Ethics in Government seminars over the past 10 years

to learn about following “good government” laws, including conflict of interest laws, nepotism laws and open meetings and records laws, known as the Sunshine Law.

OPENING GOVERNMENT

I strongly believe that open government is the best government. In 2006, we mediated more than 500 Sunshine Law issues, held Sunshine Law seminars for more than 1,000 officials, and distributed 19,000 copies of the revised booklet on the Sunshine Law. And in one high-profile case, our

diligent legal actions led the board of the Missouri Higher Education Loan Authority (MOHELA) to comply with the Sunshine law.

It is an honor to provide public service to the citizens of Missouri. I continue to believe that the role of leadership in the public sector is to place the public interests above special interest and to serve the common good by providing effective and efficient leadership.

I invite you to take a closer look at these and other examples of effective and efficient leadership as you review accomplishments of the Office of the Attorney General for 2006.

Inside

DIVISION	MISSION	PAGE
Agriculture and Environment	To protect and enhance Missouri agriculture and the beneficial use of our natural resources now and in the future by vigorously enforcing the law and advocating responsible public policy.	6
Consumer Protection	To promote a free, fair and open marketplace by aggressive enforcement of Missouri's consumer protection laws and by advocating for consumers and educating the public, and to protect citizens by enforcing compliance with state laws by charitable trusts, foundations and nonprofit corporations.	9
Criminal	To successfully defend the punishment of those lawfully convicted of crimes, to safeguard and refine the criminal law of this state in the interests of justice, and to educate, coordinate and communicate with prosecutors, judges, law enforcement agencies and victims.	14
Financial Services	To protect and advance the interests of the state and its citizens through the aggressive pursuit, recovery and preservation of state assets, public funds and child support obligations.	16
Governmental Affairs	To protect the safety and well-being of Missourians by ensuring professionals such as physicians adhere to state laws; helping the most vulnerable get good care; enforcing state ethics and campaign finance laws; and ensuring appropriate Medicaid reimbursement, representation, advice and legal support to state agencies and officials.	18
Labor	To protect the interests of Missouri workers by paying the appropriate amount from the Second Injury Fund and Workers' Compensation Fund for state employees, and to handle those cases in a timely and fair manner.	21
Litigation	To provide quality representation to the state, its agencies and employees; to protect and enhance the ability of public servants to do their jobs while advancing justice for the citizens of the state and the state's sovereign interests; and to provide expertise and resources to other divisions in the AG's Office.	23
Public Safety	To be aggressive and fair prosecuting in the interest of justice; to assist and educate law enforcement and prosecutors in their role of protecting the public; to defend law enforcement from unwarranted interference and judgments in civil litigation and to be responsive to the needs of crime victims.	25
Year-end review	The Attorney General's Office summarizes actions taken during 2006.	28

The Missouri Office of the Attorney General
is an equal opportunity employer.



Record penalty paid for odor violations

Division attorneys obtained the largest penalty for odor violations in state history as Renewable Environmental Solutions paid \$100,000 to the state to resolve a lawsuit over ongoing odor problems from its “food to fuel” processing plant, located only a few blocks from the town square in Carthage.

RES also installed hundreds of thousands of dollars of additional controls for odor reduction.

Staff worked with city officials to file a nuisance lawsuit in 2005 against RES, which processes poultry wastes and other food-related wastes into reusable fuel. Tremendous odors caused by this process resulted in many citizen complaints.

The lawsuit brought immediate improvements in odor control equipment at the plant.



Nixon visits with Carthage City Attorney David Mouten, center, and Mayor Kenneth Johnson after announcing a joint lawsuit in 2005.



Billy Gwaltney, general manager of the Mid-Missouri Energy ethanol plant in Malta Bend, explains the technology used to make ethanol to Attorney General Nixon during a Feb. 16 tour. Nixon said the plant is a perfect example of value-added agriculture that benefits rural Missouri, farmers, consumers, the environment and the nation.

Ball bearing plant pays \$183,000 to state over TCE contamination

A ball bearing plant near Joplin paid more than \$183,000 to resolve long-standing issues about trichloroethylene contamination from the plant affecting area underground water.

FAG Bearings also agreed to implement a remedial plan selected by state and federal environmental regulators.

Attorney General Nixon

said the consent decree was an important step in bringing a remedy and closure to an environmental problem discovered in 1991.

The payment covers the state's response past costs and its claims for natural resources damages. FAG previously settled lawsuits about the costs of installing drinking water systems for area residents.

ABOUT THE DIVISION

The Agriculture and Environment Division aggressively protects Missouri's natural resources. Attorneys take legal action to stop pollution of the state's air, water and soil and penalize polluters through fines, penalties and, in the most serious cases, incarceration. The division also works to protect and enhance Missouri agriculture by enforcing the law and advocating responsible public policy.



More than 1 billion gallons of water were released after the Taum Sauk reservoir gave way in December 2005, carving a path down Proffit Mountain.

Nixon sues to recover damages from Taum Sauk disaster

Attorney General Nixon sued Ameren UE in December, asking that the state's largest utility company be ordered to pay compensation and punitive damages for its alleged actions and negligence that resulted in the breach of the Taum Sauk reservoir in Reynolds County.

The release of more than a billion gallons of water from the mountaintop reservoir extensively damaged the east fork of the Black River and Johnson Shut-ins State Park, including the destruction of the park superintendent's home.

"This was one of the worst man-made disasters in Missouri's history, and we believe a long history of decisions by Ameren and its employees led to this catastrophe," Nixon said.

Ameren used the reservoir to

generate electricity during peak demand by pumping water from a lower reservoir to the upper reservoir that failed and then draining water back to the lower reservoir. The lawsuit alleges that Ameren's operation of the project led directly to the overtopping of the reservoir and its subsequent failure.

Nixon said Ameren officials knew its operation of the reservoir created a high likelihood that the reservoir would overtop, and that the consequences could be catastrophic.

The lawsuit is asking that Ameren pay for all natural resources damages, including restoration of the Black River, and that it compensate area residents and businesses that suffered financial loss from the disaster.



Workers examine pipes along the side of the Taum Sauk dam. Before the dam ruptured, water was pumped from a lower reservoir to the upper reservoir, then discharged to generate electricity.

Largest environmental recovery won at trial paid in full

The final payment on a record trial award case was made in 2006. The Attorney General's Office had been pursuing payment from Joseph Afshari and Mill Creek Sewers ever since a St.

Louis County judge ordered them to pay \$558,000 in 2003 for not meeting deadlines on improvements to the wastewater treatment facility at a subdivision.

The facility was discharging inadequately treated sewage into Mill Creek.

The fine is the largest awarded in a Missouri environmental lawsuit after a trial.

Division protecting Missouri land, water

Old pesticides removed after attorneys sue

Division attorneys sued an agri-chemical business in Monroe County to force the owners to properly dispose of hundreds of containers of useless pesticides they collected from their customers and had haphazardly stockpiled for several years.

After the lawsuit was filed, the owners voluntarily removed the pesticides from their business and properly disposed of them.

Staff attorneys are continuing to seek an injunction to prevent the environmental violations from reoccurring and to compel the owners to clean up old pesticides kept at their home.

Developer pays for land disturbances

A civil lawsuit brought by staff attorneys against a St. Joseph developer resulted in an agreement for Earthworks Real Estate Co. to bring two of its sites into compliance with the state Clean Water Law and restore a nearby stream that had been polluted with runoff.

The developer also paid \$50,000 to the state.

AG work will result in cleanup of old military site

Division attorneys negotiated an agreement between St. Louis County and the U.S. Air Force to clean up hazardous waste contamination at an old military facility transfer property along the Mississippi River.

The former Defense Mapping facility contains asbestos, PCBs, mercury and other hazardous wastes.

Under the agreement, the county will take possession of the property and be responsible for cleanup of the site. The county plans to use the site for access to adjacent property being developed.

Gas, oil dumping bring criminal charges

The owner of a lawn mower repair shop in Raytown pleaded guilty to violating the Missouri Clean Water Law by disposing of oil and gasoline into the town's sanitary sewer system.

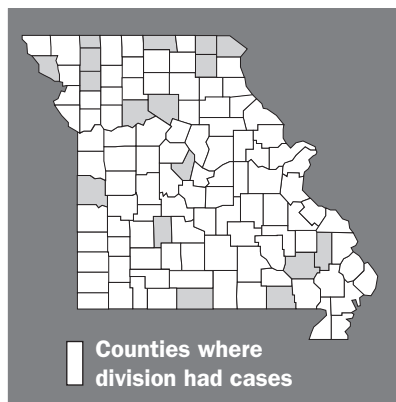
Louis Mattoon was ordered to pay a fine and make restitution to the city and the Department of Natural Resources.

Firefighters had responded to a call about gasoline vapors at a home and discovered that Mattoon was dumping the oil and gasoline.

Infectious waste storage brings penalties

Two men connected to a Columbia business that illegally stored infectious medical waste in a house were ordered to pay penalties of \$20,000.

Division attorneys had sued Majed El-Dweik and Moumen Kuziez for violating state hazardous waste laws after the Department of Natural Resources discovered 75 containers of infectious waste at the home.



Recovering money

Division attorneys had active cases in 97 counties and the city of St. Louis in 2006. They recovered \$3.1 million in penalties, damages and costs.

The categories of where the money came from were:

- Water: \$802,210
- Solid waste: \$776,398
- Hazardous waste: \$201,202
- Air: \$183,068

- Underground storage tank: \$53,560
- Other cases: \$1,038,987

Caseload

The division won or resolved on terms favorable to the state more than 95 percent of its cases in 2006.

Total cases: 1,258
Cases opened: 519
Cases resolved: 626

Consumer Protection



Nixon shows online complaint form.

Consumers embrace online complaint form

Attorney General Nixon unveiled a new tool to increase efficiency in resolving consumer complaints during National Consumer Protection Week in February. Consumers now can submit their complaints online. He said it was another way to make government more effective and efficient.

The number of complaints submitted online grew from 713 in February to more than 1,140 in December.



Total recovery for consumers, state tops \$14.4 million

Record \$5.4 million returned to consumers through mediation

The Consumer Complaint Unit recovered \$5.43 million in restitution through mediation, surpassing the 2005 record by almost \$2 million.

Money was returned to consumers without filing lawsuits.

The unit, which serves as an advocate at no charge to consumers facing disputes with businesses, handled over 95,000 complaints and inquiries in 2006:

- Hotline calls: 62,782
- Written: 14,150
- Internet: 10,323
- E-mail: 8,083
- Senior Sting: 8,005



St. Louisans shred for free

Nixon's office took part in "Shred It and Forget It," where St. Louis consumers could bring confidential documents to be shredded at the Galleria. St. Louis Data Destruction donated a truck, which filled with 2 tons of shredded paper in about 90 minutes. Also assisting were the Better Business Bureau, U.S. Postal Inspection Service, Federal Trade Commission and others.

Legal action returns \$5.5 million to consumers

Besides the \$5.4 million returned to consumers through informal mediation, the division recovered \$5.5 million in restitution from legal action.

Division attorneys obtained nine criminal convictions, 22 injunctions, 22 assurances of voluntary compliance and 37 judgments in 2006.

On top of the consumer restitution, the legal actions resulted in orders for \$2.2 million in civil penalties for Missouri schools, \$550,000 for antitrust law enforcement efforts, and \$823,845 for consumer law enforcement and consumer education.

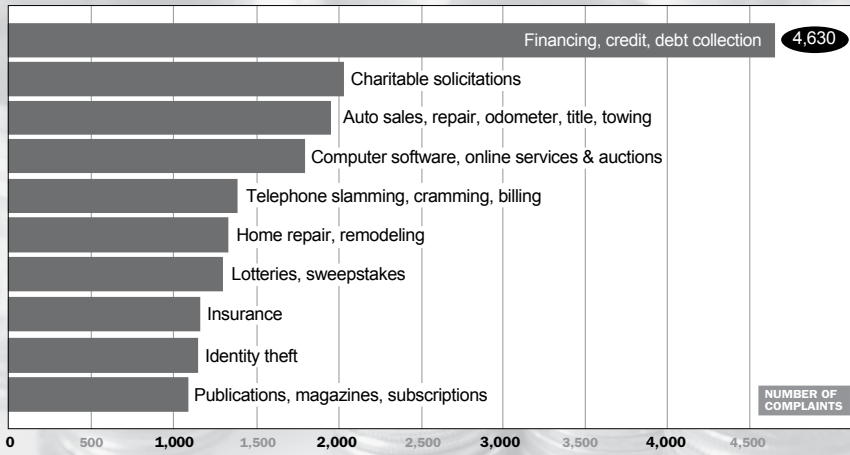
ABOUT THE DIVISION

The Consumer Protection Division represents the state in consumer fraud and antitrust cases. Among the cases the division pursues:

- Civil lawsuits and criminal prosecutions against businesses and individuals who defraud consumers through the advertising and sale of products or services.
- Investment fraud.
- Antitrust matters and mergers.
- No Call law violations.
- Protection of charitable trusts and nonprofit assets.

2006 TOP 10 COMPLAINTS & INQUIRIES

Finance and credit issues topped the list of complaints made to the Consumer Protection Division in 2006. The top 10 categories are:

**Missouri takes first action against sellers of cell phone records**

Attorney General Nixon continued his fight to protect citizens' privacy when Missouri became the first state to shut down the operations of online companies selling cell phone calling records to the public.

Investigations by Nixon found several Web sites selling the calling records of wireless users.

Nixon obtained orders against four companies prohibiting them from doing business in Missouri.

Homeowners recover restitution through AG actions

Aggressive action by the Attorney General's Office against home repair scams resulted in restitution orders totaling more than \$250,000 and prison time for at least one scam artist. Among the cases:

● **Jason M. Leavy** of Florissant was sentenced to four years in prison after he failed to repay nearly \$100,000 to 27 consumers he defrauded. The restitution was part of a guilty plea Leavy entered to felony consumer fraud charges.

● **Mike Mullery** of Iron County was ordered to pay \$22,000 in restitution. Consumers paid as much as \$7,200 in down payments for work that was never begun in most cases.

● Amazing Plumbing owner **Paul McElrath** of St. Charles was ordered to repay more than \$49,000 after he collected money for repairs and even put personal expenses on customers' credit cards. He completed few projects.

● **Thomas Mark Hogan** of St. Louis was ordered to repay \$64,000 to 11 consumers after pleading guilty and



Consumer education coordinator Travis Ford speaks with fairgoers at the Ozark Empire Fair.

Consumer staff makes more than 100 presentations

Consumer staff traveled the state in 2006, setting up booths and giving presentations on everything from charities to home repair fraud to identity theft to landlord-tenant issues. From a booth at the State Fair in Sedalia to the Ozark Empire Fair in Springfield to the Working Women's Survival Show in St. Louis, the Attorney General's staff provided consumer information at more than 100 events.

admitting he misrepresented he would perform repairs, asking for down payments of as high as \$11,000. A St. Louis grand jury later indicted him on similar accusations.

● **Steven and Diane Ernst**, owners of Thermal Exteriors in St. Louis, were ordered to pay more than \$22,000 after Nixon sued, accusing them of taking money, providing incomplete or shoddy work, then refusing to make refunds.

● The owners of North Missouri Rug in Cameron must repay more than \$36,000 to customers who paid for services they did not receive.

Rick and Linda Hamilton also were ordered to spend 60 days of shock time in jail.

● **John Boggs** and **Michael Ellis**, owners of Affordable Roofing in St. Louis, were ordered to repay nearly \$57,000 after collecting money for roofing services and failing to complete the work.

PRESERVING THE BLACK ARCHIVES OF MID-AMERICA



Nixon and Assistant Attorney General Linda Manlove-Braxton listen to Mark McHenry, director of the Kansas City Parks and Recreation Department, outline plans for using a department-owned building in the 18th and Vine District as the new site of the Black Archives.

Nixon steps in to protect historic archives

The Black Archives of Mid-America is one of the most important collections of artifacts and documents chronicling the experiences of African-Americans in the Midwest.

The archives, founded in Kansas City in 1974 by the late Horace Peterson, were threatened by several challenges in 2006: funding was uncertain, the board of directors had shrunk to three members, the collection was not being properly maintained, and the corporation had been administratively dissolved.

Attorney General Nixon



Exhibits in the Black Archives include an original slave cabin.



Barbara Peterson, widow of founder Horace Peterson, talks about her husband's visions for the archives as Nixon listens.

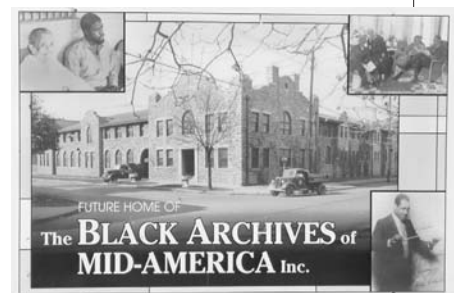
recognized that the Black Archives was too important an asset to be lost. As steward of the state's nonprofit assets, Nixon stepped in to protect the archives by holding two public hearings in Kansas City's historic 18th and Vine District. Some 400 people attended, where Nixon requested interested individuals to submit their names to serve on a full, reconstituted board of directors.

Nixon worked with a community advisory group headed by Peterson's widow, Barbara, which made recommendations for a new board. The committee,

which received 100 applications, conducted interviews in the fall.

On Jan. 9, 2007, Nixon announced the names of 12 new members who would serve on the board of directors. They included Mrs. Peterson and other civic, academic and financial leaders of the community.

"This is a new board with the experience, the knowledge and the proven community leadership to help the Black Archives reach its full potential as a historical resource," Nixon said. "I am pleased that these leaders stepped forward when help was needed the most."



Plans call for moving the archives to this historic building in the 18th and Vine District.

Senior Sting 2006 leads to action to stop mail fraud

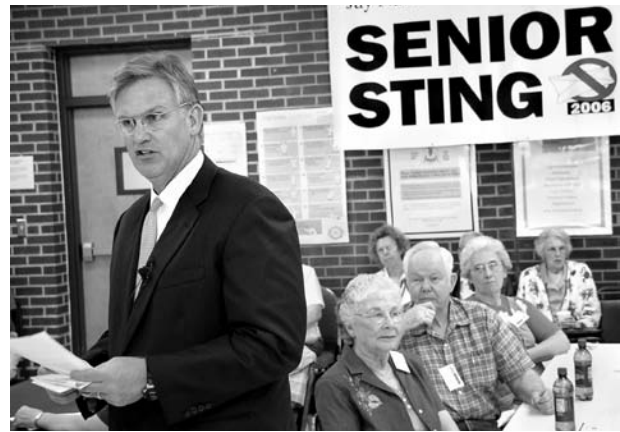
Hundreds of senior volunteers representing 10 partner groups from across Missouri joined forces with the Attorney General's Office to stop mail fraud aimed at older Missourians.

During Senior Sting 2006, the 324 volunteers saved thousands of pieces of junk mail they received in one month.

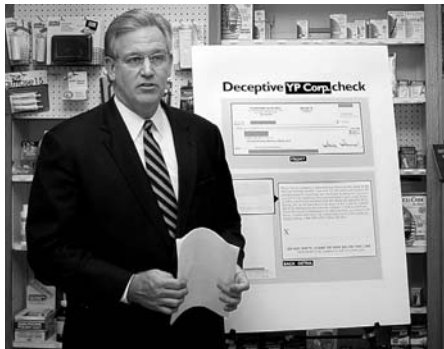
After reviewing 8,000 pieces of mail for suspected fraud, Nixon filed 248 legal actions, including cease and desist orders against foreign lottery and pyramid scheme operators, along with investment pitches.

Also included were demands for compliance against more than 100 unregistered companies soliciting charitable contributions.

Investigations into the mail pieces are ongoing.



Joined by Springfield senior volunteers, Nixon provides details about suspicious mail collected during the sting.



Nixon explains how the activation check scheme worked at a Jefferson City pharmacy.

Nixon pulls plug on Internet directory-listing scams

Missouri led a 34-state settlement that recovered \$2 million in restitution for businesses that were charged for Internet directory listings they did not want. The settlement with YP Corp. was one of two "activation check" scams shut down by the AG's Office. YP and Yellow Pages Inc. sent checks for just a few dollars to thousands of Missouri businesses.

If the checks were cashed, the businesses were on the hook for a monthly fee for a listing. Most businesses did not know they were signing a contract. The companies must stop using activation checks and make refunds to the businesses.

Price gouging put on ice in eastern Missouri

After a snow and ice storm slammed eastern Missouri in December, Nixon's office received hundreds of complaints about price gouging on necessary goods and services such as kerosene, generators, motel rooms and tree trimming.

After an investigation by Nixon, a generator dealer in Farmington was ordered to pay nearly \$38,000 in restitution to consumers for artificially inflating prices. Nixon alleged the store raised its generator prices by as much as 70 percent after the storm.

Alleged identity theft ring busted

Four accused of theft

An alleged nationwide identity theft ring was broken up by Nixon's office, with the help of prosecutors in Jefferson and Polk counties.

Three Florida residents and a Georgia woman are accused of using the identities of Missouri victims to make thousands of dollars worth of purchases and gift cards from national retailers.

Nixon has set up a hotline to help Missourians

recognize and report ID theft.

ID Theft Hotline
800-392-8222

Springfield residents charged with theft

The Attorney General's Office worked with the Greene County prosecutor and Springfield police to charge two local residents with identity theft.

The defendants are accused of stealing personal information from a purse and making ATM withdrawals, purchasing items at a local discount store and playing online gambling sites.



Jason Waln



Norma Black

Businesses must pay thousands for misdeeds

Telemarketers pay \$185,000

Missouri's No Call program continued to be among the country's strongest, as the list of households on the No Call list grew to almost 2.4 million. Also, telemarketers who violated the law continued to have to pay for making those calls. The amount collected by Nixon grew to more than \$1.7 million as violators paid \$185,000 to the state. Money collected from telemarketers keeps the program free for Missourians.

Record penalty ordered against Branson travel club

A Branson travel business that continued to use deception and fraud to sell travel club memberships even while under a court order to stop must now pay a record penalty of \$1.95 million after being found in contempt of court. The judge found that Vacation Travel Outlet violated state consumer protection laws and earlier court orders at least 390 times. It also violated two earlier consent judgments obtained by consumer attorneys that required it to give information to consumers about their right to cancel contracts and get refunds.



Kwan, a 10-year-old patient, thanks Attorney General Nixon and St. Louis-area police for a \$5,000 donation made to Ranken Jordan Pediatric Specialty Hospital in Maryland Heights.

Children's hospital benefits from badge fraud

Attorney General Nixon presented Ranken Jordan Hospital with \$5,000 from a settlement with a fundraiser that falsely told small businesses their donations would go to help local police departments. More than \$50,000 in restitution went back to businesses that made donations.

Several St. Louis County police departments have worked to help raise money for Ranken Jordan in the past; the hospital provides long-term care for children, regardless of family income.

Ashland mobile home dealer pays \$564,000

One of central Missouri's largest mobile home dealerships paid \$564,000 in restitution and penalties to the state after being sued by consumer attorneys. More than 70 consumers complained that Amega Sales of Ashland misled them about financing terms; refused to return down payments when deals fell through; and misrepresented homes' features. More than \$400,000 went back to consumers.

Missouri borrowers receive \$3.2M from Ameriquest

More than 10,000 Missourians who borrowed money through Ameriquest, the nation's largest sub-prime lender, became eligible for restitution totaling about \$3.2 million under a settlement reached by consumer attorneys.

The settlement resolved the allegations of Missouri and other states that Ameriquest engaged in unfair and deceptive practices, including encouraging borrowers to lie about income or employment to obtain loans; and inadequately disclosing prepayment penalties and discount points.

Four charged with defrauding Midwest cattle farmers



Jason Hackman



Ben Leonard



Peggy Morrow



Bob Simmons

In an alleged cattle fraud case, Nixon filed criminal charges against four mid-Missouri residents, charging them with advertising high-quality livestock to farmers in central Missouri, then selling inferior cattle. Nixon alleges the defendants were paid more than \$1 million after promising high quality cattle to customers.



This cow, represented as being "high-quality," was one of many allegedly sold by the defendants.

CRIME VICTIMS' RIGHTS CEREMONIES



Attorney General Nixon, above, visits with the grandparents of Nathan Coffman at a ceremony in Springfield. Nathan was killed in a drunken driving crash. Left, Nixon visits with Diane Miller after speaking in Cape Girardeau. Brenda Porter, center back, is a crime victim advocate in the AG's Office.

State Supreme Court upholds death sentences

Attorneys from the division successfully argued before the Missouri Supreme Court to uphold four death sentences in 2006:

- **Johnny Johnson** was sentenced to death after he kidnapped a 6-year-old St. Louis County girl in 2002, attempted to rape her and then killed her by hitting her in the head with a rock.
- **Kimber Edwards** was sentenced to death after he hired a man to murder his wife in St. Louis

County in 2000 so he could avoid having to make child support payments.

- **Paul Goodwin** received the death penalty after he snuck into his neighbor's house in St. Louis County in 1998, beat and sexually assaulted her, threw her down stairs, and

then beat her to death with a sledgehammer.

- **Earl Forrest** was given three death sentences after he killed two people over a meth deal gone bad in 2002, and then killed a Dent County sheriff's deputy in a shoot-out with responding law enforcement.

ABOUT THE DIVISION

The Criminal Division represents the state in every felony case appealed to the Supreme Court of Missouri and Missouri Court of Appeals.

Division defends felony convictions throughout state

The Criminal Division defended 726 state felony appeals in 2006. Among the convictions or sentences upheld:

- The first-degree murder conviction of **Cecil Barriner** in Butler County. He was sentenced to life imprisonment without parole for the brutal 1996 murder of Candace Sisk and her grandmother, Irene Sisk. Barriner, who had been in a previous relationship with Irene's daughter (who was also Candace's mother), forced Candace to withdraw \$1,000 from a local bank. He later raped and stabbed Candace to death, and also stabbed Irene to death. The conviction was affirmed by the Court of Appeals, Western District, on Oct. 24.

- The second-degree murder conviction of **Thomas Erbland**. Erbland pleaded guilty to the 2003 murder of his wife, St. Louis radio and television personality Nan Wyatt. The conviction was affirmed by the Court of Appeals, Eastern District, on Feb. 21.

- Multiple convictions of **Charles Richardson** in Jackson County. Richardson pleaded guilty to four counts of forcible sodomy, four counts of second-degree statutory sodomy, one count of forcible rape, one count of second-degree statutory rape, one count of sexual abuse, one count of second-degree child molestation, and seven counts of armed criminal action. The convictions were affirmed by the Court of Appeals, Western District, on Nov. 14.



Attorney General Nixon, right, talks with O'Fallon police officer Andy Stowers and Bo, a police dog with the department. Nixon gave welcoming remarks to new DARE officers. They were attending a training session sponsored by the Missouri Police Chiefs Association.

- The 240-year sentence of **Antonio Howard**. Howard and several other gang members took part in a St. Louis crime spree in August 2003 involving numerous carjackings, assaults and one murder. A man who was driving on Interstate 70 with his family while on vacation was shot and seriously injured. The convictions were affirmed by the Court of Appeals, Eastern District, on Oct. 24.

- The forcible rape, second-degree assault and armed criminal action convictions of **Kareem Hurley** of Greene County, for the rape and assault of a woman with whom he had a previous relationship. The convictions were affirmed by the Court of Appeals, Southern District, on Dec. 6.

- The first-degree arson, attempted second-degree murder and first-degree burglary convictions of **Tara McClanahan** in Cape Girardeau County. In 2004, McClanahan tried to set her mother's house on fire while her mother was asleep, to prevent her mother from discovering that she had been writing checks on her account. The Court of Appeals, Southern District, affirmed the conviction on Oct. 2.

- The convictions of **Terry Hutton** for two counts of first-degree assault, one count of unlawful use of a weapon, and two counts of armed criminal action. The charges arose out of a drive-by shooting in Jackson County in 2003 in which one of the victims was a 2-year-old child shot in the head. Hutton is serving a 20-year sentence. The convictions were affirmed by the Court of Appeals, Western District, on Feb. 21.

- The convictions on three counts of first-degree child molestation and seven counts of third-degree assault of **Richard Sheridan**. He committed the crimes against children in a St. Charles elementary school where he volunteered during the 2002-2004 school years. The convictions were affirmed by the Court of Appeals, Eastern District, on Feb. 21.

DIVISION

Financial Services

Division recoups record \$12 million for taxpayers

The Estate Recovery and Third Party Liability program returned a record \$12 million to taxpayers in 2006, almost \$1 million more than the previous 2005 record.

Before Attorney General Nixon took over the program in 2003, only \$5.4 million was recovered in the previous fiscal year.

Division attorneys work to recover Medicaid payments from the estates of recipients if assets are eligible to be recovered. The recoveries are made on behalf of the departments of Social Services and Mental Health.

The 2006 total included the largest single recovery for a Department of Mental Health case — \$199,702 was recovered from a man who was a resident for several years at the Nevada Rehabilitation Center.

The division obtained its second largest recovery for the Department of Social Services in 2006 when the estate of a Jasper County man paid \$338,990 to satisfy the state's



Attorney General Nixon swears in new attorneys in the Financial Services Division and the other divisions in the office.

claims. Shortly before the man died, he won \$9 million in a car-accident settlement.

In a Bollinger County case, attorneys recovered \$201,370 for medical care provided by the state. They successfully showed the state was the provider of health

care services, not family members as some of them claimed.

Perseverance paid off in a St. Louis County case that had been pending since before 2003. The state received full payment of \$338,572, as division attorneys stayed active in probate proceedings.

More dough obtained to protect workers

Division attorneys obtained an additional \$2.5 million bond from Interstate Bakeries Co., a self-insured Missouri employer that filed for Chapter 11 bankruptcy. The \$2 million bond that IBC posted did not cover expected losses for workers' compensation. The division filed a motion asking that IBC be required to post additional bond.

No Medicaid for woman with \$400,000 in assets

Division attorneys successfully argued that Medicaid benefits were properly denied to a woman who had nearly \$400,000 in assets. The woman then divested those assets to her children under what she called a "life care contract" but was denied again for Medicaid when she reapplied. A Newton County judge ruled the denial was appropriate.

ABOUT THE DIVISION

The Financial Services Division protects Missourians by:

- Recouping money owed to the state, state officers or state agencies, including providing collection services to several divisions of the Attorney General's Office and more than 40 other state agencies.
- Litigating to modify and enforce child support obligations.

Assets recovered from inmates since 1993



Inmate repayment

Since taking office in 1993, Attorney General Nixon has collected almost \$5 million from inmates to reimburse the state for the cost of their care.

Nixon takes \$757,000 from inmates to pay for care

Division attorneys continued to step up efforts in recovering money from state inmates who have assets to pay for their care.

Recoveries in 2006 totaled \$757,862 from 329 cases. Combined with the \$1.63 million recovered in 2004 and 2005, the division has brought in nearly \$2.4 million over the past three years to defray costs that taxpayers otherwise would bear.

Attorney General Nixon used a 1988 law that entitles the state

to recover up to 90 percent of an inmate's assets after obligations to spouse or children are met.

The more notable recoveries in 2006 included:

- **\$50,000** from Charles Collins, convicted of manslaughter and armed criminal action. Collins had funds in a bank account.
- **\$52,157** from Jesse Wayne Smith, convicted of two counts of distribution, delivery and the manufacture of a controlled substance and one count of

DWI. Division attorneys attached monthly payments Smith receives on a workers' compensation claim.

- **\$22,743** from Rodney Garrett, convicted of first-degree robbery with a deadly weapon. His funds came from certificates of deposit.
- **\$14,944** from Arthelle McClain, convicted of possession of a controlled substance. His funds came from money seized during his arrest.

Division brings in 18 percent more money for child support

Financial services staff members who handle child support modification cases brought over \$19 million to Missouri's children and families. Total amount of support generated was up 18 percent from 2005.

Division attorneys filed 1,575 cases, obtained 1,495 orders (a 47 percent increase) and closed 4,010 files (a 38 percent increase).

Lawyer must pay extra \$450 a month for child

Financial services attorneys obtained a court order increasing child support by \$450 a month for a child with significant health problems.

Before the Attorney General got involved, the non-custodial

parent — a lawyer who lives in another state — failed to provide health insurance and offered no help with the extraordinary health care costs.

The custodial parent could not afford day care, and the child had to put himself on the bus each morning while the mother was at work.

Governmental Affairs

Court upholds revocation of psychologist's license

The Cole County Circuit Court agreed with division attorneys in the case of discipline taken against a Springfield psychologist by a state board.

The State Committee of Psychologists had revoked the license of Thomas DeVol after the Administrative Hearing Commission issued a ruling against DeVol.

The ruling said DeVol was incompetent, borrowed money from clients, provided unnecessary, outdated and overly extensive services, shared confidential information, billed and accepted payment for services never rendered, and pressured clients to make "voluntary donations" to his wife.



MOHELA board chair Dr. Karen Luebbert testifies at a public hearing held by the AG's Office about the proposed sale of MOHELA assets. Left, Attorney General Nixon speaks to the Missouri Retired Teachers Association about his concerns to use assets from MOHELA to fund campus construction projects. With him is his wife, Georganne Wheeler Nixon.

Sunshine Law enforced in MOHELA case

A 10-month lawsuit brought under Missouri's Sunshine Law ended in December with an agreement between Nixon, the Missouri Higher Education Loan Authority and several current and past board members.

Under the assurance of voluntary compliance, MOHELA and the board members agreed they committed multiple violations of the Sunshine

Law in January 2006 meetings dealing with Gov. Blunt's plan to sell MOHELA's assets. Each board member had to pay \$1,000. MOHELA also gave assurances it would comply with the law, provide Sunshine Law training for its board and employees, and provide the AG's Office with copies of its meeting notices and minutes in a timely manner.

ABOUT THE DIVISION

The Governmental Affairs Division protects citizens' safety and well-being by:

- Ensuring that professionals such as doctors adhere to state laws and disciplinary rules.
- Enforcing state ethics and campaign finance laws.
- Removing care givers who abuse or neglect vulnerable citizens.
- Helping mentally ill and physically challenged Missourians obtain guardians to help get care.
- Ensuring appropriate Medicaid reimbursement.
- Enforcing the provisions of the tobacco Master Settlement Agreement and state law requiring certain tobacco manufacturers to establish escrow accounts.
- Representing the Missouri Lottery Commission.
- Handling teacher certification cases.

Division attorneys work to discipline professional licenses

Court rules against psychologist

A psychologist whose license was revoked after he offered to provide free psychological services to a woman and then initiated sexual contact lost his case in circuit court as well. Division attorneys argued to uphold the license revocation of **Steven Tenenbaum**, who asserted the woman was never his patient and the contact was consensual.

His license was revoked by the state Committee of Psychologists after the Administrative Hearing Commission found cause to discipline Tenenbaum for fraud, misconduct, incompetency, violation of psychologists' rules and unethical conduct.

Teaching certificates stripped

Division attorneys continued their work to take away the teaching certificates of several educators. Among the cases:

- **Kevin Sprague**, who formerly taught in Republic and admitted to inappropriately touching his teenage stepdaughter in bed, agreed to have his certificate revoked rather than face a hearing.
- A former principal in the

Dora R-III School District agreed to have his teaching certificate revoked. After **Steven Coyle** left the district, it discovered he had misappropriated several hundred dollars worth of district funds.

His new district discovered that Coyle used school computers and e-mail account to exchange sexually explicit e-mails with a teacher in his former district.

Doctor who left accident scene has license revoked

Dr. Luis Tumialan was convicted in St. Louis of the felony of leaving an accident scene. He struck and killed a nurse who had stopped to help accident victims on Interstate 44.

The Board of Healing Arts scheduled an auto-revocation hearing, but the doctor successfully asked the Cole County Circuit Court to stop the hearing.

After the court ruled that leaving an accident scene was not an offense subject to auto-revocation, division attorneys appealed.

A state appeals court reversed the lower court decision and sent the matter to the Board of Healing Arts, which revoked the license.

Accountant convicted of wire fraud loses appeal

The Board of Accountancy revoked the CPA license of **Carl F. Kossmeyer** based on a federal conviction of felony wire fraud.

He had been involved in a marketing scheme that defrauded consumers across the country by promising they could acquire multimillion-dollar businesses without any of their own money.

Division attorneys successfully argued to a state appeals court that the decision to revoke the license should be upheld.

Board of Pharmacy can discipline license

The Board of Pharmacy placed the pharmacy license of **TAP Pharmaceuticals** on probation after it pleaded guilty to federal charges of submitting fraudulent Medicaid claims. The request for discipline was filed by division attorneys.

The Cole County Circuit Court ruled that the AG's Office had to go through the Administrative Hearing Commission to seek license discipline.

A state appeals court reversed that decision, affirming the Board of Pharmacy's action.

DIVISION ATTORNEYS REPRESENT PROFESSIONAL LICENSING BOARDS

- Accountancy
- Acupuncturist
- Architects, Professional Engineers, Land Surveyors and Landscape Architects
- Office of Athlete Agents
- Office of Athletics
- Barbers and Cosmetologists
- Licensed Clinical Social Workers
- Commission for the Deaf and Hard of Hearing
- Dental
- Dieticians

- Embalmers and Funeral Directors
- Endowed Care Cemeteries
- Geologists
- Registration for the Healing Arts
- Healing Arts Advisory Committees
- Hearing Instrument Specialists
- Interior Design Council
- Marital and Family Therapists
- Massage Therapists
- Nursing
- Nursing Home Administrators
- Occupational Therapy
- Optometry

- Pharmacy
- Podiatry
- Committee of Professional Counselors
- Division of Professional Registration
- Psychology
- Real Estate Appraisers
- Real Estate Commission
- Respiratory Care Practitioners
- Speech Interpreters Committee
- Tattooing, Body Piercing and Branding
- Teacher Certification
- Veterinary Medical Board



Iowa Attorney General Tom Miller talks about a report on natural gas prices at a news conference in Washington, D.C., in March, as Attorney General Nixon listens. The report was produced by the Attorneys General of Missouri, Illinois, Iowa and Wisconsin.

No unconditional release, appeals court rules

Division attorneys successfully argued against the unconditional release of a man found not guilty by reason of mental disease or defect for second-degree murder.

Charles Parker, who stabbed a man to death, had been placed in the care of the Department of Mental Health, where his paranoid schizophrenia was controlled by medication.

Parker sought an unconditional release from DMH through a circuit court hearing, but all of the witnesses testified that he continued to need a structured environment and that it was likely he would cease taking his medication if released.

The circuit court denied the request for unconditional release, and the decision was affirmed by a state appeals court.

Federal court says licensed professionals can face discipline for tax problems

The U.S. District Court granted a motion for summary judgment filed by division attorneys in the case of two doctors challenging the constitutionality of a state law.

The law allows the state to suspend the professional licenses of those who fail to file or are late in filing a tax return.

The physicians claimed the law violates due process and the Equal Protection Clause of the U.S. Constitution.

The federal judge disagreed, finding in favor of the state.



Global collections

The division obtained compliance or took action against tobacco manufacturers in 12 countries. Many companies are part of a 1998 agreement with Nixon and 45 attorneys general. Companies not part of that agreement but still sell tobacco in Missouri are required by state law to pay an amount into escrow.

AG's Office mediates Sunshine Law disputes, educates local officials

Attorney General Nixon continued to advance the cause of openness in Missouri government in 2006.

His office distributed almost 19,000 copies of a revised booklet on the Sunshine Law and held education seminars for more than 1,000 local officials.

Also, staff attorneys handled 484 inquiries about the Sunshine Law from local officials, citizens and the media. Those inquiries often led to attorneys in the office mediating disputes about open meetings or records.



DIVISION ATTORNEYS REPRESENT OFFICIALS, DEPARTMENTS, AGENCIES

Division attorneys represented or provided legal advice to several departments, department divisions and agencies:

DEPARTMENTS & DIVISIONS

- Elementary and Secondary Education
- Health and Senior Services
- Mental Health
- Social Services
- Vocational Rehabilitation

AGENCIES

- Lottery Commission
- Petroleum Storage Tank Insurance Fund

Division defends injured worker fund against fraud



Work fairly: Attorney General Nixon tells Missouri building and trades workers that employers who try to use undocumented workers to gain an unfair and illegal advantage should be held accountable.

26-year-old injury claim rejected

The Second Injury Fund was found to be not liable for a permanent total disability claim from a woman who said she injured her lower back in 1983.

After the injury, the woman opened a day care and operated it for almost 24 years, caring at times for up to six children full time.

She also had testified in 1995

that she was able to return to all her normal activities after the injury, including playing in a weekly volleyball game.

The judge found her earlier testimony and her continued day care work to be inconsistent with her later total disability claims and awarded no benefits from the Second Injury Fund.

Division attorneys close 14,000 cases in 2006

Attorneys for the Labor Division closed more than 14,000 cases in 2006.

They closed 13,245 Second Injury Fund cases and 931 workers' compensation cases.

The division opened 11,401 Second Injury Fund cases during the year and 830 workers' compensation cases.

Treating physician more reliable than hired expert

Labor attorneys successfully argued that the opinion of a doctor who treated a worker making a Second Injury claim was more credible than that of the worker's hired expert. The worker claimed a back injury left him permanently and totally disabled, but his treating physician found he could continue to do some work.

The judge on the case discounted the opinion of the worker's hired expert and relied on the treating physician, who had performed the back surgeries on the worker and examined him more than 100 times.

ABOUT THE DIVISION

Labor Division attorneys protect Missouri workers by defending the Second Injury Fund. The fund compensates injured workers when a current work-related injury combines with a prior disability to create an increased combined injury.

Labor Division attorneys protect Missouri workers by making sure funds are available to help them when they are injured. Undeserving workers who misrepresent their injuries and their ability to work are denied funds or receive reduced funds.

Questionable injury claims against fund challenged

Claim that minor work injury led to disability denied

Division attorneys successfully defended the Second Injury Fund against a worker's claims that a minor work injury had led to long-term fibromyalgia. The worker sought permanent total disability benefits from the fund.

After hearing expert testimony about causes of fibromyalgia, the judge found there was no credible evidence to link the disease to the minor work injury.

Claim of frequent litigant dismissed

Division attorneys succeeded in winning a dismissal of the claim of a St. Louis man who has represented himself in frequent lawsuits against local, state and federal agencies over alleged work injuries.

The claimant did not prove that a work injury occurred; the decision was upheld not only by the Labor and Industrial Relations Commission but also by the Missouri Court of Appeals.

Undocumented worker hurt on job; contractor tracked down, pays for medical bills

Labor attorneys worked with an investigator from the Consumer Protection Division to track down contractors to help pay the costs of an injured construction worker.

The worker, who was undocumented, was employed by a roofing company when he fell off a roof and severely injured his back.

The roofing company owners fled to Florida, but the AG's Office located several contractors subcontracting on the job when the roofer was injured.

One of those contractors has paid the medical bills and the disability claim for the worker, resulting in significant savings for the Second Injury Fund.

Worker who changed her story has claim denied

A judge denied a claim from the Second Injury Fund by a woman who said a fall at work, combined with pre-existing disabilities, led to her permanent total disability. The judge found the woman's injury and disability to be questionable, a ruling that was upheld by the Labor and Industrial Relations Commission.

Pre-existing condition not enough to impose liability

The Second Injury Fund was not liable in the case of a hospital laundry worker who claimed a back injury, combined with disability from pre-existing leukemia, rendered him unable to work.

The judge noted that medical records indicated the man's disease had been in complete remission for more than three years prior to the laundry room injury.

The case reinforced the principle that a pre-existing condition is insufficient to impose liability on the Second Injury Fund. Rather, a claimant must provide evidence of a pre-existing disability that constitutes an actual obstacle to employment.

Litigation



Daniel Schell, director of assembly, ramp and paint operations, provides Attorney General Nixon with a tour of the Boeing F-18 production plant in St. Louis.

Supreme Court upholds sex offender registration law

Division attorneys defended against a lawsuit challenging Missouri's Sex Offender Registration Act as a violation of the state constitution.

On appeal, the Missouri Supreme Court rejected all but one of the plaintiffs' challenges to the law, determining that the law did not violate substantive due process or equal protection nor did it constitute a prohibited ex post facto law, a special law, or a bill of attainder.

The court did rule that the registration obligations could not be applied to those who were convicted of or pleaded guilty to sex offenses prior to Jan. 1, 1995, when the law took effect.

All other requirements of the Sex Offender Registration Act remain in effect.

Jury rejects multimillion dollar claims against police

Division attorneys successfully defended the Kansas City Board of Police Commissioners and former detectives against claims of false imprisonment, malicious prosecution and loss of consortium.

The plaintiffs demanded \$25 million, along with unspecified punitive damages for claimed police misconduct.

The jury returned a verdict in favor of the police and board on all claims.

ABOUT THE DIVISION

The Litigation Division defends the state and its agencies and employees against thousands of lawsuits each year, and handles some of the most complex issues facing the state, including:

- Defending constitutional challenges to state laws.
- Advancing the state's interest in complex cases.
- Defending lawsuits filed by state prisoners.
- Defending the state in employment and tort cases.

Jury verdicts obtained for law enforcement officers

Several jury decisions in 2006 were in favor of St. Louis and Kansas City police officers who were defended by division attorneys. Among the cases:

- A jury found in favor of an officer who was accused of hitting the plaintiff with a phone book while he was being booked. The plaintiff had been arrested for peace disturbance and resisting arrest; the officer denied hitting him. The plaintiff's request for

\$100,000 in damages was rejected.

- A jury ruled in favor of an officer and against a plaintiff who claimed the officer used excessive force while he was handcuffed. The plaintiff had burglarized a rectory and stolen a priest's car. The officer pursued the plaintiff by vehicle, then by foot after the plaintiff crashed the priest's car into a tree and ran. The officer denied the allegations of excessive force. The jury rejected the

plaintiff's claims and request for money damages.

- The jury found in favor of officers whom the plaintiff claimed used excessive force when he was arrested following a tip that he was dealing drugs. The plaintiff asked for damages of more than \$600,000. The officers denied the claims and testified that the only force used was to take the plaintiff to the ground and handcuff him after he tried to run.

Division successfully defends state agencies, employees

Department of Corrections employees prevail

Litigation attorneys successfully defended employees of the Missouri Department of Corrections against an inmate claim that they failed to protect him from an attack by his cell mate. The inmate demanded \$250,000 in damages.

At trial, the defendants explained that the inmate had never expressed any concerns about his cell mate to them. After hearing evidence, the jury returned a verdict in favor of the corrections employees.

Wrongful conviction case dismissed

A federal judge dismissed a \$200 million lawsuit filed by a plaintiff who claimed that a St. Louis police officer and a civilian police employee violated his constitutional and common law rights.

The man, who had been convicted of rape in 1984, claimed the defendants intentionally or recklessly procured an unreliable eyewitness identification; failed

to investigate other suspects; failed to conduct lab tests of physical evidence that would have exonerated him; and failed to investigate and disclose alibi evidence in order to procure his wrongful conviction.

Division attorneys showed that the defendants and other police employees had been careful to be neutral toward all persons who appeared in the photographic and live lineups, in conducting a thorough investigation, in determining that there was no alibi evidence, and in disclosing their full investigation for review by the plaintiff's lawyer. The federal court granted summary judgment in favor of all defendants.

Discrimination claim dismissed at trial

Litigation Division attorneys successfully defended a disability discrimination claim against the Missouri Department of Health and Senior Services in state court.

Following the presentation of the plaintiff's evidence, the judge granted the defendant's

motion for a directed verdict and dismissed the case.

The plaintiff had requested actual and punitive damages.

No retaliation, jury finds

Litigation attorneys defended the Missouri Department of Health and Senior Services against a claim by an employee that he was discharged in retaliation for filing a charge of discrimination.

The plaintiff demanded \$1.2 million in lost wages, benefits and pain and suffering. The jury determined that the plaintiff's discharge was not a result of retaliation and returned a verdict for defendants on all counts.

Nine employment claims dismissed before trial

Division attorneys obtained dismissal of claims of employment discrimination in nine cases filed against the departments of Corrections, Mental Health, Social Services, and Economic Development. The courts decided that no illegal discrimination had occurred, based on motions filed by division attorneys.

DIVISION

Public Safety

Commissioner, clerk guilty of stealing in special prosecutions

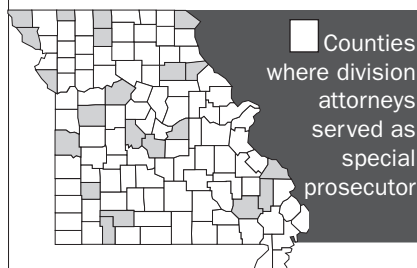
● **Cathy Luethen**, a former clerk in the Pulaski County Public Administrator's Office, pleaded guilty to 28 counts of felony stealing for taking money from clients' accounts. She must return the full \$50,000. The administrator is appointed to be guardian of incapacitated individuals.

● **Jane Spencer Turner** pleaded guilty and was sentenced to four years imprisonment for multiple counts of failing to pay state taxes. The Dent County funeral home director had repeatedly charged clients for sales tax that she never remitted to the state.

● **Darrell Turner** was convicted of first-degree assault, burglary, armed criminal action and unlawful use of a weapon in the gang-style shooting of a potential witness. Although shot in the head, the victim survived. Turner was sentenced to life plus 137 years. The case originated in Camden County.



Attorney General Nixon was the keynote speaker at the 2006 Medal of Valor ceremony in St. Louis. Sixteen law enforcement officers were awarded the Medal of Valor at the ceremony for conspicuous acts of bravery exceeding the normal demands of police service.



● Former Randolph County Commissioner **Chuck Bankhead** pleaded guilty to stealing from the Higbee Community Betterment and Cub Scouts. His plea required him to resign as commissioner.

Division assists local prosecutors

The Public Safety Division handled 794 special prosecutions in 94 of Missouri's 114 counties and the city of St. Louis in 2006.

Division attorneys assist local prosecutors in complicated trials or are appointed as special prosecutors when there is a conflict of interest. This legal work saved counties about \$3.2 million.

ABOUT THE DIVISION



Public Safety Division attorneys assist local prosecutors in serious or difficult trials and grand jury proceedings. They also:

- Prosecute workers' compensation fraud and noncompliance cases.
- Represent the Department of Public Safety, including the Highway Patrol.
- Train law officers and state troopers and produce an issues-oriented Front Line Report.
- Assist law enforcement and prosecutors with meth and high-tech crime cases.
- Prosecute abuse and neglect of nursing home residents and Medicaid fraud cases.
- Civilly commit sexually violent predators.
- Represent the state in habeas appeals filed by convicted prisoners.

Division obtains murder convictions

Division attorneys obtained 12 first-degree murder convictions that resulted in 11 sentences of life without parole and one death sentence. Another three defendants were found guilty of second-degree murder in cases prosecuted by the Attorney General's Office. Among those convictions:

● **Samuel Freeman** was convicted of first-degree murder for the 1992 killing of a young woman in Butler County. The case had been unsolved for more than 10 years when DNA testing on a tissue found next to the victim's body resulted in a match to the defendant.

● **Kevin Harmon** of Pattonsburg was convicted of first-degree murder, kidnapping, and armed criminal action for the abduction and murder of Steven Lawrence Jr. Harmon was sentenced to life without parole plus 75 years. The victim was abducted and taken to an abandoned farmhouse where his throat was slashed after Harmon and his accomplice tried to interrogate him about an assault committed by another man.

● **Walter Barton** was convicted of first-degree murder and sentenced to death for the 1991 killing of 81-year-old Gladys M. Kuehler in Christian County.

● **J.R. Richardson** was convicted



Attorney General Nixon helps remember the victims of crime at a ceremony in Springfield.

of first-degree murder for the brutal murder of a young Chariton County woman. Richardson was sentenced to life without parole.

● **Andre Clark** of Charleston was convicted of two counts of second-degree murder and one count of first-degree assault for beatings that killed his girlfriend and her young son. Another son was severely beaten but survived. Clark was sentenced to life in prison for each count (all to run consecutively).

● **Luther Martin** was convicted of two counts of first-degree murder for killing Jerae James, a 17-year-old Waynesville girl, and her unborn child by forcing her into the trunk of her car and setting it on fire. Martin was sentenced to life without parole on both counts.

Four sex predators committed for treatment

The Attorney General continued to protect the public by seeking the civil commitment of sexually violent predators after they completed their prison sentences.

Division attorneys successfully argued to have four predators committed to the Department of Mental Health for treatment.

A predator remains committed until a jury or judge determines that the defendant is considered safe.

Federal court upholds first-degree murder convictions

Attorneys from the Public Safety Division successfully defended five first-degree murder convictions, including four death sentences, before the 8th U.S. Circuit Court of Appeals in 2006:

● **Dale Helmig's** conviction for murdering his mother near Linn during the 1993 floods was upheld by the 8th Circuit Court of Appeals. The federal district court had overturned the conviction based on a finding that the jury improperly viewed a map during deliberations, but the AG's Office appealed that ruling and prevailed, with the 8th Circuit finding that the map was appropriate for the jury to see. Helmig is serving life without parole.

● **Martin Link** was given the death penalty for the brutal kidnap, rape and murder of 11-year-old Elissa Self-Fraun in St. Louis in 1991. DNA evidence found on the victim matched Link's DNA.

● **John Middleton** was sentenced to die for his 1995 killings of two potential witnesses in a drug prosecution in Harrison County. Evidence introduced at the penalty phase showed that Middleton also had killed two others as part of a hit list against potential witnesses.

● **John Winfield** was sentenced to death for two counts of first-degree murder of a relative and a friend of his girlfriend in St. Louis County in 1996.

● **William Rousan** was sentenced to death for the 1993 slaying of a St. Francois County couple. Rousan, along with his brother and son, had concocted a plan to steal cattle and killed the couple to ensure there were no witnesses.



Attorney General Nixon was a featured speaker in St. Louis for the presentation of the John J. McAtee Police Recognition Award, given to peace officers who have shown “compassion, concern and understanding when dealing with persons with mental illness.”

Medicaid Fraud Control Unit takes criminal, civil actions against Medicaid fraud

The division takes legal action against medical professionals and others who defraud the Missouri Medicaid program. In 2006, the Medicaid Fraud Control Unit helped obtain nine criminal convictions, and returned more than \$8.6 million to taxpayers in settlements with pharmaceutical and medical equipment companies. Among the cases:

- **Cheryl J. Apollo**, a licensed clinical social worker, pleaded guilty to billing the Medicaid program for therapy not provided. She was convicted of stealing and making a false statement to receive a health care payment and was required to pay \$17,690 in restitution and \$10,000 for investigative costs. The AG’s Office assisted the Audrain County prosecuting attorney.

- A jury found pharmacist **Jeffrey Barnes** and his company, **Best Buy Pharmacy of Louisiana**, guilty of stealing and Medicaid fraud for billing Medicaid for prescriptions never ordered. Barnes was sentenced to one year in jail. He and his company were ordered to pay \$279,198 in restitution, damages and penalties to the state.

Workers’ comp fraud pursued

Division attorneys take legal action against those making false claims for workers’ compensation, as well as against employers who evade their responsibility to have workers’ comp coverage. In 2006, the division obtained 38 convictions, collected \$560,283 in penalties, and obtained compliance from 131 businesses.

- **Community Alternatives Missouri**, which operated Turtle Creek Nursing Home in Bolivar, was convicted of resident neglect for the 2002 death of a resident from severe bedsores. Confined to a wheelchair, the victim suffered from cerebral palsy and was physically and mentally handicapped.

Administrator Mary Collura was convicted of involuntary manslaughter and sentenced to five years in prison for not treating the victim.

Other staff pleaded guilty to failing to report the neglect and abuse. Nurse’s aide Kevin Vaughan was convicted of elder abuse for pinching and slapping residents. He was fined, ordered to serve 180 days in jail and placed on two years’ probation. The Medicaid unit assisted the Lawrence County prosecutor.

Fight against meth continues

The Attorney General continued to assist local officials in prosecuting meth-related cases. In 2006, the division obtained 56 convictions of those possessing or dealing the dangerous drug. Law enforcement officials busted more 1,284 meth labs in Missouri.

- **Charles Douglas** was convicted of three counts of distributing crack cocaine. He distributed drugs at a children’s park in Macon by hiding them in containers throughout the park. He was sentenced to 20 years.

- **Sonny White** was convicted of possession with intent to distribute, trafficking, and endangering the welfare of a child. Police confiscated 151 grams of meth and about 10 grocery sacks full of processed marijuana, which was introduced at trial in Marion County.

Year-end

REVIEW

For more details about these events,
go to ago.mo.gov.

JANUARY

Jan. 4: Attorney General Nixon announces his office recovered more than \$748,000 from Missouri inmates during 2005 to reimburse the state for the costs of their care while incarcerated.

Jan. 9: Nixon accuses Springfield and Columbia motorcycle dealers of a bait-and-switch scheme and sues for reimbursement to consumers. On **Aug. 10**, the dealers agree to pay \$114,000 to the Attorney General's Office for 364 consumers and another \$84,000 to the state.

Jan. 11: Nixon provides the General Assembly with six proposals to help fight Medicaid fraud by providers.

Jan. 11: Nixon sues Renewable Environmental Solutions, a Carthage turkey-processing plant, for repeated violations of state odor regulations and its Department of Natural Resources permit. On **June 27**, RES pays \$100,000, the largest amount obtained in Missouri for an odor case.

Jan. 13: Nixon sues St. Louis-area businesses Affordable Roofing and Thermal Exteriors for shoddy and never-completed home repairs. On **Nov. 2**, the owners of Thermal Exteriors are ordered to pay \$15,401 for consumer restitution and an additional \$7,540 to the state.

EMPLOYEES OF THE QUARTER



Chief victim advocate Brenda Porter and Attorney General Nixon visit with Greene County Sheriff Jack Merritt at a crime victims' rights ceremony in Springfield. She was named an outstanding employee.



Nancy Johnston,
director of the No
Call Unit



Garry Stevens, clerk

Outstanding employees

Attorney General Nixon recognized four staff members in 2006 for their contributions to the office and the state. They are Garry Stevens and Nancy Johnston, in the St. Louis office, and Brenda Porter and Ruth Coale, in the Jefferson City office.



Ruth Coale, Information
Systems help desk

On **Dec. 8**, Affordable Roofing is ordered to pay more than \$56,000 in restitution to consumers.

Jan. 19: A Morgan County judge orders the owners of Tim's Auto Repair to shut down for defrauding customers and allegedly assaulting some who expressed dissatisfaction with repairs.

Jan. 19: Nixon reminds consumers to be on the lookout for flood damage when shopping for used cars after recent hurricanes.

Jan. 23: The nation's largest sub-prime lender, Ameriquest, will pay more than 10,000 Missourians \$3.2 million as part of a nationwide agreement with 49 states.

Jan. 26: Nixon is named as special prosecutor in the criminal investigation of the events surrounding the December 2005 Taum Sauk dam failure. On **Dec. 13**, Nixon sues Ameren UE, asking that the state's largest utility be ordered to pay damages for alleged actions and negligence that resulted in the failure.



Workers are dwarfed by the now-empty Taum Sauk reservoir.



Jefferson County Prosecutor Robert Wilkins and Nixon file charges against Henry Lee Berry.

Nixon pursues ID thieves, provides online theft form

Feb. 1: Nixon warns consumers of an identity theft scam offering government grant money over the telephone.

Feb. 3: Nixon kicks off National Consumer Protection Week by offering new identity theft complaint forms.

Feb. 6: Henry Lee Berry, a Florida man who allegedly stole the identities of Missourians online to purchase thousands of dollars in merchandise and gift cards, is charged with identity theft. On **April 7**, Nixon files similar charges against a Florida woman, Shante Berry, and a Georgia woman, Diana E. Johnson. On **April 14**, identity theft charges are filed against a fourth defendant, Sam Berry.



H. Berry



D. Johnson

Jan. 27: An investigation by the AG's Office reveals that prison inmates improperly left on Medicaid rolls for three years cost the Medicaid program over \$306,000.



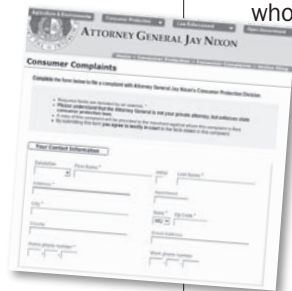
Jan. 20: Nixon visits with state Rep. Martin Rucker of St. Joseph, left, and University of Missouri-Columbia Chancellor Dr. Brady Deaton at the annual meeting of the Northwest Missouri Press Association in St. Joseph.

FEBRUARY

Feb. 1: Consumer Protection Division attorneys sue an unlicensed Creve Coeur chiropractor who abandoned his practice, owing patients more than \$12,000.

Feb. 1: Nixon sues Millennium Fitness, a health spa that closed suddenly after collecting membership fees in advance.

Feb. 3: Nixon kicks off National Consumer Protection Week by offering new online consumer complaint forms.



Feb. 3: Nixon asks for a court order to close down HomeSmarzt Mortgage. On **June 1**, Nixon obtains an injunction ordering the St. Joseph foreclosure consultant business to stop offering those services and to pay \$6,000 to the state.

Feb. 3: Nixon announces his office will hold public hearings regarding the proposed sale of assets by the Missouri Higher Education Loan Authority.

Feb. 8: Nixon charges St. Louis counselor Nathaniel R. Burger with defrauding the Missouri Medicaid program for allegedly billing Medicaid for services he did not provide.

Feb. 10: Nixon obtains a restraining order against a group of vending machine "black box"

promoters in Columbia who reportedly collected \$2 million from investors but diverted the money for personal use. On **April 13**, the court issues a preliminary injunction to stop the scheme.

Feb. 14: Attorney General Nixon sues the board of directors of MOHELA for multiple violations of the Missouri Sunshine Law. On **Dec. 28**, the board agrees that it violated the Sunshine Law in a settlement of Nixon's lawsuit. Directors will pay \$1,000 each.

Feb. 15: Bolivar group-home owner Mary

Collura pleads guilty to involuntary manslaughter in the death of resident Gary Oheim. He died at a hospital from lack of treatment for severe ulcers.

Feb. 22: Conspiracy to commit murder charges are filed in Howard County by Public Safety Division attorneys against Robert W. Morgan, who allegedly tried to hire an informant to murder another man.

Feb. 23: Nixon sues the promoters of a high-profile raffle in Kansas City to refund buyers of raffle tickets in the "Nest Egg Giveaway," which was never held. On **Dec. 18**, the court orders the defendants to pay restitution and penalties of more than \$100,000.

Feb. 6: Nixon announces plans to file a lawsuit challenging the federal government over a provision in the new prescription drug plan, Medicare Part D, saying Missouri will lose millions of dollars. Nixon talks with Rick Ennis, center, and Bob Pund at the news conference.



Feb. 23: Nixon accuses a Springfield man, Calvin Allen, of practicing law without a license.

Feb. 23: A Springfield gas station sued by consumer attorneys as part of a price-gouging investigation after Hurricane Katrina is ordered to pay the state \$2,000.

MARCH

March 2: The maker of Enzyte agrees to stop deceptive sales practices and pay restitution in a settlement with Nixon and other state Attorneys General.

March 7: Nixon and Attorneys General from Illinois, Iowa and Wisconsin release a



Feb. 17: Attorney General Nixon with Barbara Dozier, left, president of the Parkway National Education Association, and Jo Wanda Bozeman, a member of the Missouri National Education Association. Nixon spoke in Jefferson City at an economic summit on taxes, economic development and school funding.

report on the upward spiral of natural gas prices, saying it is not consistent with supply and demand.



Feb. 15: Dozens of editors and reporters from across Missouri had the opportunity to ask Nixon questions during AP Day at the Capitol.

a state law preventing someone convicted of federal crimes from running for office in Missouri.

March 14: Nixon reminds Missourians to be on the lookout for scam artists trying to take advantage of others after recent storm damage to homes.

March 14: Daniel Schell, below left, director of assembly, ramp and paint operations, takes Nixon on a tour of the Boeing F-18 production plant in St. Louis.



March 21: Cheryl Jean Apollo, licensed clinical social worker, pleads guilty to stealing and fraud and is ordered to repay the state \$27,690 under Medicaid fraud charges brought by Nixon's Medicaid Fraud Control Unit.

March 8: The owners of Granny's Mobile Homes are ordered to pay \$17,000 in restitution for selling damaged mobile homes, under an agreement with the Attorney General's Office.

March 10: Nixon stresses the importance of openness by public officials leading up to Sunshine Week 2006.

March 13: The Attorney General appeals a ruling declaring unconstitutional

Nixon stops companies from selling Missourians' cell phone records

Jan. 20: Nixon asks for a restraining order against Locatocell.com, which offers to sell the records of cell phone customers. On **Feb. 15:** Nixon obtains a court order to stop it from selling the records of Missourians.

Feb. 21: Nixon asks for a court order to stop Internet businesses from illegally selling cell phone records. Completeskiptrace.com is accused of obtaining, possessing and selling this type of information. On **Oct. 5,** Nixon obtains the order stopping Completeskiptrace.com from obtaining or selling the records.

March 6: A third Internet business, Datatraceusa.com, is sued for obtaining and selling cell records.

June 22: Assistant Attorney General Peter Lyskowski testifies before a U.S. House subcommittee on Missouri's successful legal efforts against companies selling cell phone records.



March 21: Nixon gives a \$3 million check to the Department of Social Services from a Medicaid fraud settlement against King Pharmaceuticals.

March 21: More than 3,000 Missouri consumers will be eligible for restitution under a settlement between Time magazine and Nixon's office.

March 23: Nixon sues Carman Chemicals in Monroe County for violating environmental laws, including failing to properly dispose of hundreds of containers of useless pesticides.



March 28: Nixon greets a building and trades worker on the Capitol grounds.

March 27: Nixon obtains an order against a seller of videos and a nonprofit organization for trying to circumvent the state No Call law. The lawsuit alleges telemarketers from the Dove Foundation used their status as a charitable organization to solicit sales for Feature Films for Families. On **Aug. 21**, the two defendants agree to pay \$70,000 for the No Call violations.



May 3: Attorney General Nixon meets with leaders of Missouri's Hispanic community when they came to the state capital for Hispanic Day at Jefferson City.

March 28: The maker of Paxil will reimburse the Missouri Medicaid program \$413,000 in a proposed settlement with Missouri and 44 other Attorneys General.

March 30: Nixon files his formal objection to a proposal by the U.S. Forest Service to sell more than 21,000 acres of the Mark Twain National Forest in Missouri.

March 31: Consumer attorneys file felony criminal charges against Charles E. Culp Sr. for allegedly defrauding Willard residents in an asphalt scam.

March 31: Nixon sues a Texas company that used Pulaski County 911 and DARE program to solicit donations from local businesses.

APRIL

April 3: Nixon sues a St. Louis firm that sold nearly \$4 million in unregistered securities on the promise of exorbitant rates of return. Investors say those returns were never realized, and in most cases they also lost their original investments.

April 4: Nixon files criminal charges against a Lake of the Ozarks developer who hired undocumented workers and allegedly committed tax fraud.



Michael Schlup

April 13: A central Missouri mobile home dealer agrees to pay more than \$500,000 in restitution and penalties after customers complained about being misled about financing, not receiving returned down payments and misrepresentation of features.



May 10: Kansas City Chiefs head coach Herman Edwards speaks with Nixon during a visit to the Boys and Girls Club in Kansas City. Both Edwards and Nixon then spoke to about 150 Boys and Girls Club members.



May 12: Attorney General Nixon provides badges to Hallsville second-graders as honorary “junior assistant attorneys general” during a visit. Nixon also gave the keynote speech as several Hallsville High School students were inducted into the National Honor Society.

April 14: Nixon sues a St. Louis shop that took payment to repair metal collectibles but did little or no work for customers.

April 17: Tobacco settlement payments top \$1 billion; Nixon expresses concern that Missouri ranks last in the nation in money spent on smoking prevention.

April 18: The owner of St. Charles-based Amazing Plumbing will pay more than \$49,000 restitution to his customers under a court order obtained by Nixon.

April 19: Agriculture and Environment Division attorneys sue the developers of a subdivision in Linn for improper maintenance of wastewater lagoon and pollution of a nearby creek.

April 21: Cathi M. Leuthen, a former employee of the Pulaski County public administrator’s office, pleads guilty to 28 counts of felony stealing of more than \$44,000 from private checking accounts managed by the office.

April 25: Pharmaceutical company Dey Inc. agrees to pay \$2.9 million to Missouri to settle allegations it engaged in a pricing scheme that resulted in the Medicaid program paying too much for generic prescription drugs.

April 25: A Kansas City man who fraudulently obtained money from the construction loan accounts of home buyers, leaving them with depleted accounts and unfinished homes, will repay consumers \$77,000.

April 28: Nixon sues the Army Corps of Engineers over its plans to release water from upstream reservoirs on the Missouri River in a “spring rise” beginning May 1.

MAY

May 1: A Washington, Mo., dealership agrees to stop using false pretenses to lure customers to its vehicle sales.

May 1: Nixon and his fellow Attorneys General urge Congress to restore federal funding for key state and local law enforcement assistance programs and for the federal Crime Victims Fund.

May 3: JoAnn T. Gaylor, the former administrator of a St. Louis nursing home, is indicted for allegedly taking money from resident trust funds.

April 25: Nixon is a featured speaker at a ceremony in Jefferson City to mark National Crime Victims’ Rights Week. Afterward he met with Amy Hurt, another speaker at the ceremony, and her son, who was a crime victim. That same week, he also speaks at other victims’ rights ceremonies in Cape Girardeau and Springfield.



May 4: Nixon sues the developer of the Tuscany Village subdivision in Stone County to stop sediment from eroding directly into Table Rock Lake.

May 9: Nixon urges law enforcement to examine their body armor, after a Department of Justice report found some body armor made from Zylon fibers to be ineffective in stopping bullets. Nixon's Consumer Protection Division accepted claims from law enforcement agencies seeking refunds or replacements.

May 10: Environment attorneys sue two Blue Springs real estate developers for polluting creeks with sediment from erosion.

May 18: Consumers who respond to newspaper ads recruiting "secret shoppers" should beware of scams that could cost them hundreds of dollars, Nixon says.

2005 Annual Report MISSOURI VEHICLE STOPS

May 25: Nixon presents the sixth annual report on Missouri vehicle stops to the governor and General Assembly.

May 31: A Raytown man who dumped oil and gas from his lawn mower repair business into the city sewer system pleads guilty.



Attorney General Nixon checks out some of the mail solicitations being sorted by senior volunteers in Kirksville during Senior Sting 2006.

Seniors, AG's Office fight fraudulent mail

June: Seniors were in Jefferson City and other locations throughout Missouri helping Nixon expose con artists who target Missourians using the mail.

**SENIOR
STING** 2006

In an operation dubbed Senior Sting 2006, more than 300 volunteer seniors kept all of their junk mail in May and submitted it to the Attorney General's Office. The volunteers helped sort the mail. Consumer staffers later looked for fraudulent offers of lottery winnings, charity solicitations and other attempts to defraud Missourians.

On **Sept. 20**, Nixon announced 248 enforcement actions had been taken against a variety of mail scams as a result of the sting.



May 12: Nixon hosts a delegation of government officials from Shangdong Province in China. The meeting was arranged through the University of Missouri Asian Affairs Center.

JUNE

June 2: Five mid-Missourians are arrested on charges of defrauding cattle farmers in an alleged million-dollar fraud case.

June 5: Two door-to-door salesmen are ordered to pay \$11,000 in restitution and penalties for not delivering magazines they sold.

June 7: Nixon shuts down a charity scam claiming to benefit children of military killed in Iraq.

June 7: The Attorney General's No Call Unit sues a Florida mortgage business and a Texas telemarketer over No Call violations.

June 8: Consumer attorneys sue the nonprofit organization Gateway to a Cure, accusing it of operating a raffle that stretched over a period of years without giving prizes.

June 14: The sellers of a hormone replacement cream agree to refund money to customers who bought their products, which were falsely advertised as being approved by the FDA and clinically proven to be safe.

June 28: A company that violated Missouri's Clean Water Law at two of its development sites in Buchanan County will pay a civil penalty of \$50,000.

June 28: Final payment is made by a St. Louis real estate developer hit with a record \$558,000 environmental penalty. The fine against Mill Creek Sewers remains the largest environmental penalty ordered by a Missouri state court after a trial.

June 29: Nixon sues to force the cleanup of a Phelps County dump containing thousands of computers and monitors, highlighting the problem of "e-waste."

JULY

July 3: Donald Holt, the former operator of a Vandalia funeral home, is sentenced to eight years in prison for misusing more than \$127,000 paid by clients in pre-need funeral expenses. Nixon filed criminal charges against Holt in 2005 as part of "Operation Grave Concerns," a crackdown on fraud in the bereavement industry.

July 5: A judge orders Free Medicine Direct to pay \$4,092 in restitution after the Florida business promised free prescription drugs from pharmaceutical companies for a fee of \$195 but failed to do so.

July 10: Nixon announces a new online form on the Attorney General's Web site that allows crime victims to be more easily notified as their cases go through the appeals process.



June 1: Attorney General Nixon helps St. Louis civic leaders cut the ribbon for a development of 12 new, single-family homes on Lincoln Avenue. The development, called Frankie Freeman Ville Estates, was made possible through a public-private partnership with the support of the Missouri Housing Development Commission, of which Nixon is a commissioner. Frankie Freeman is in the center.

July 11: Nixon says he will hold a public hearing on the Black Archives, a nonprofit corporation in Kansas City that is administratively dissolved. The Black Archives is a collection of African-American historical items, including rare photographs, letters, documents and artwork. Two hearings are held on **Aug. 17** and **Sept. 7**.



Aug. 17: Kansas City councilman and mayor pro tem Alvin Brooks discusses the Black Archives' future.

July 12: Nixon sues the directors of a defunct St. Louis youth association, the Northside Youth Association, on charges that they used the organization's nonprofit assets for personal gain.

July 17: The former operator of funeral homes in Salem and Bunker admits to misusing \$46,455 paid by clients for pre-need funeral expenses. Jane Spencer Turner pleads guilty to seven criminal counts of fraud filed against her by Nixon as part of Operation Grave Concerns.

July 21: Nixon cautions residents of the St. Louis area to be on the lookout for price gouging and home repair fraud in the aftermath of a powerful storm.

July 21: A Boone County judge orders two men associated with businesses that illegally stored and transported infectious waste at a home in Columbia to pay \$20,000 in civil penalties.

July 27: Hague Quality Water of the Ozarks is ordered to pay \$31,300 in restitution to 11 consumers in Joplin and Springfield over false and deceptive advertising.

July 31: A Pulaski County judge issues a temporary restraining order against Lebanon home repairman James Jordan, who was sued by Nixon for preying on consumers, including many military families from nearby Fort Leonard Wood, in a home improvement scam.

AUGUST

Aug. 1: The Public Service Commission grants motions filed by Nixon's office to intervene in the Ameren UE rate case, at the requests of the Department of Natural Resources and the Office of Administration.

Aug. 4: Nixon files four lawsuits in Jackson County, charging the defendants with defrauding more than 50 victims in a land tax sale scam. The victims, many of them ill or elderly, lost at least \$375,000.

Aug. 8: A Barry County judge rules that a man previously found to be a sexually violent predator would remain held in commitment at a state treatment center.

Aug. 17: Nixon sues a St. Louis swimming pool builder who took customers' money but did not complete the work.

Aug. 21: Jeffrey C. Barnes, a Louisiana, Mo., pharmacist, is found guilty of 28 counts of Medicaid fraud and stealing in a case brought by the Medicaid Fraud Control Unit. On **Oct. 10**, he is sentenced to one year in jail and ordered to pay \$67,500 in fines.

Aug. 22: A St. Charles mortgage company is ordered to pay \$15,000 for No Call violations.

Aug. 23: A Cameron couple pleads guilty to taking thousands of dollars from northwest Missouri residents to install new carpeting or flooring in their homes and then not performing the work. On **Nov. 3**, Rick and Linda Hamilton are ordered to repay \$36,626 to their victims.



Nixon



Consumer protection investigator Kim Slote answers questions for a couple attending the 2006 Missouri State Fair. The Attorney General's booth at the fair was one of more than 100 educational presentations given by consumer staff during the year.

Aug. 24: The Attorney General's Office releases an updated version of its Missouri Sunshine Law booklet, reflecting the latest changes to Missouri's open meetings and records law.



Aug. 29: Nixon unveils a revamped Student Consumer Guide. It can be ordered online at ago.mo.gov.

Aug. 25: Nixon joins law enforcement officials, drug court officials and treatment providers, at a methamphetamine summit in Hillsboro. A similar summit is held **Oct. 11** in Jackson.

Aug. 29: A Manchester headstone company that received prepayment for monuments it allegedly failed to deliver is ordered to pay \$28,000 in restitution and penalties, plus finish all outstanding contracted work for 43 consumers, under an agreement with Nixon.



Bill Colby

Aug. 25: Bill Colby, right, the lawyer for the family of Nancy Cruzan in the only right-to-die case ever heard by the U.S. Supreme Court, was the keynote speaker for the second annual Missouri End-of-Life Summit in Jefferson City. The summit was sponsored by the Attorney General's Office and the End-of-Life Coalition. Nixon also spoke.

Aug. 30: Nixon announces the recovery of \$7 million to the Missouri Medicaid program as part of a nationwide settlement with Schering-Plough, which makes the popular anti-allergy medication Claritin. Missouri was one of the lead states negotiating the settlement.

Aug. 30: Mid-Missouri consumers are warned of con artists calling them at home and pretending to be bank employees.

SEPTEMBER



The disputed MKT Bridge.

Sept. 5: Two former directors of the Department of Natural Resources file a brief with a state appeals court opposing giving away the state's interest in the MKT Bridge at Boonville. The brief was filed in support of Nixon, who sued the current DNR director in 2005 in an attempt to block the proposed bridge giveaway.

Sept. 7: Consumer attorneys obtain a temporary restraining order against a St. Louis wedding photography business that collected payment from at least 60 consumers but failed to deliver the photos.

Sept. 21: A Michigan company that used scare tactics to sell what it falsely called “mandatory” workplace lavatory posters to small businesses is ordered to pay refunds to Missouri consumers and \$7,500 to the state.

Sept. 27: Nixon obtains a temporary restraining order to stop a Springfield man from selling “credit repair” services.

OCTOBER

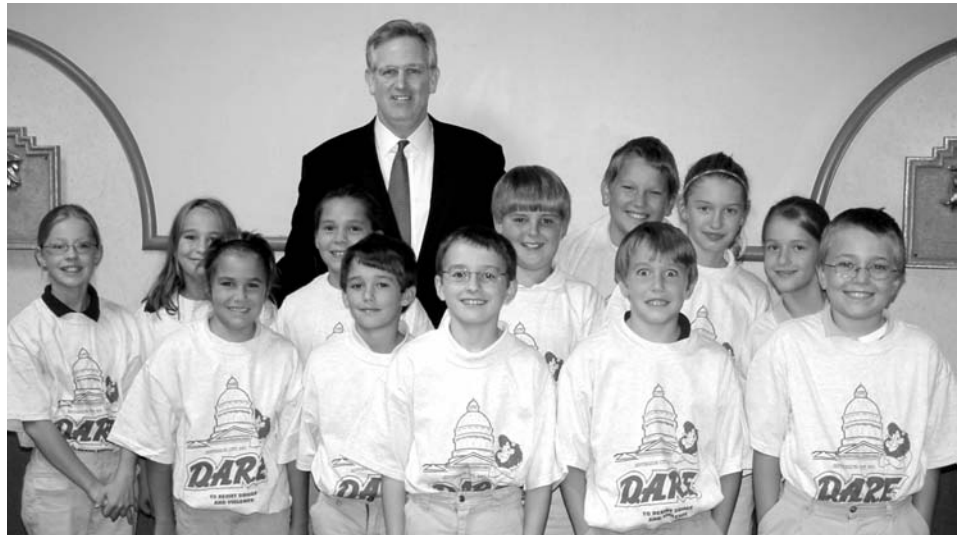
Oct. 4: Dan Sanders of Salem is arrested on a grand jury indictment at the request of Nixon, charging Sanders with 11 counts of home repair fraud.

Oct. 5: Rick Williams, director of the Medicaid Fraud Control Unit, is elected president of the National Association of Medicaid Fraud Control Units for 2007.



Oct. 5: Nixon obtains a preliminary injunction against a Lenexa, Kan., man and his businesses to stop what Nixon says are misrepresentations made in the sale of real property at Jackson County land tax sales.

Oct. 6: Nixon shuts down a Web site design firm from Poplar Bluff that accepted payment for services from small businesses and then failed to deliver on a



Sept. 22: Attorney General Nixon pointed to the success of the Drug Abuse Resistance Education program in helping America’s young people stay away from drugs, gangs and violence in a speech to a graduating class of DARE training officers in Jefferson City. Nixon thanked the officers for making the decision to be role models for students. Nixon took time to visit with several DARE fifth-graders from Immaculate Conception elementary school in Jefferson City who were at the graduation ceremony.

variety of promises, defrauding at least 15 victims out of thousands of dollars.

Oct. 10: An environmental protection lawsuit is filed against a Franklin man who openly burned gasoline and operated a hazardous waste treatment and disposal facility without a permit.

Oct. 12: Nixon sues Greg Atherton of Trimble for taking advance payment from consumers with bad credit after falsely promising them he could get them loans. On **Dec. 7**, the court prohibits Atherton from operating such a business and orders him to pay \$957 in restitution.

Oct. 17: Missouri receives \$25,000 under an agreement with the nation’s third-largest jewelry chain, Friedman’s, to resolve allegations that consumers were not adequately informed about insurance fees they were charged.

Oct. 17: Jane Spencer Turner, the former operator of funeral homes in Salem and Bunker, pleads guilty to 14 charges related to state tax fraud brought by the Attorney General’s Office.

Oct. 17: Nixon tells public education leaders that deep cuts in funding for programs such as alternative schools and other recent policy changes have rolled back gains made toward student safety in Missouri.

Oct. 18: A Joplin man who placed collection boxes with area retailers after falsely telling the merchants that money collected would be given to Special Olympics is ordered to donate \$500 to that charity.

Oct. 20: A home repair contractor from Florissant pleads guilty to criminal charges that he took thousands of dollars in payment from St. Louis-area homeowners but did not complete the work. Jason M. Leavy is sentenced on **Dec. 15** to four years in prison.

Oct. 26: Four businesses — including DirecTV, the nation’s largest provider of satellite TV services — will pay a total of \$100,000 for calling Missourians on the state No Call list.



Oct. 26: A self-proclaimed white separatist who misled donors in the name of Hurricane Katrina relief has been prohibited from soliciting charitable funds in Missouri under a court order obtained by Nixon.

NOVEMBER

Nov. 6: A salesman who promised investors big money in the next dot-com stock boom, but instead delivered nothing but empty promises and worthless stock certificates, is ordered to pay \$45,000 in restitution to 10 Missouri consumers.

Nov. 7: A home repair contractor from St. Louis who pleaded guilty in May to seven counts of consumer fraud is charged with an eight-count felony indictment accusing him of criminally defrauding a customer.

Nov. 13: Nixon files criminal charges against a Springfield man who he says knowingly defrauded at least four individuals into paying more than \$38,000 for legal services even though the man, Alton Louis Vaughn Sr., was not licensed to practice law.

Nov. 14: Omnicare, a Kentucky-based institutional pharmacy, will pay more than \$1.2 million to compensate the Missouri Medicaid program as part of a 42-state, \$49.5 million Medicaid fraud settlement.



Nov. 15: Nixon and several Kansas City-area legislators provided detail about proposed legislation to curtail automated, pre-recorded political calls. Nixon's office received more than 600 complaints about such calls in connection with the 2006 election.

Nov. 20: The Attorney General's Web site features an online quiz for public office holders and citizens to take, to test their knowledge of Missouri's Sunshine Law.

Nov. 22: Nixon offers tips to consumers who do holiday shopping online, particularly on "Cyber Monday," the Monday after Thanksgiving.

Nov. 28: A ball-bearing plant near Joplin will pay more than \$183,000 to

the state and implement a remedial plan selected by state and federal environmental regulators. The agreement resolves long-standing issues about contamination from FAG Bearings affecting underground water in the area.

Nov. 30: Nixon encourages public officials from across Missouri to attend a free one-day conference on Ethics in Government in Jefferson City on Jan. 9, 2007.



Nov. 2: Nixon swears in Vanessa Brown as an assistant attorney general in the Governmental Affairs Division. She works in the St. Louis office.

DECEMBER

Dec. 1: A St. Louis man is ordered to stop advertising and selling \$300 raffle tickets. Nixon says Darwin L. Ballard apparently intended to use proceeds from the raffle to benefit himself. On **Jan. 10**, the order is made permanent.

Dec. 5: Nixon sues to close down a St. Louis Internet business that he says took payment from consumers for lingerie and other accessories but failed to deliver the items for weeks or months, if ever.

Dec. 6: Nixon warns consumers in eastern Missouri to watch for fraud after a winter storm dumps ice and several inches of snow.

Dec. 6: A Kansas City man is charged with knowingly defrauding car buyers in an odometer scam. On **Dec. 13**, a second man is charged in connection with the alleged scheme.

Dec. 7: Nixon obtains a temporary restraining order to stop a group of telemarketers from Nevada and California from continuing to make sales calls into Missouri.

Dec. 11: Nixon advises consumers to read the fine print when buying gift cards for the holidays.

Dec. 11: Nixon and 16 other Attorneys General reach a \$14.5 million settlement with Chase Bank and Trilegiant Corp. The settlement resolves allegations the companies unlawfully deceived consumers into paying for membership programs that were supposed to provide discounts on car, home repair, and other goods and services.

Dec. 14: A Callaway County man who failed to clean up an illegal waste tire dump near Auxvasse and cease burning tires on the site as ordered by the court is arrested for violating the order.

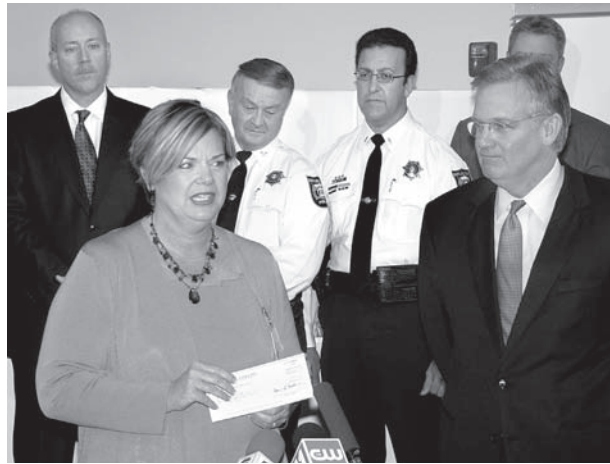


By cashing this check for a few dollars, businesses and other groups were unknowingly billed for advertising.

Dec. 14: Thousands of Missouri businesses, churches, schools and nonprofit organizations that were billed by YP Corp. for Internet advertising they did not know they were buying can apply for restitution under a 34-state agreement led by Nixon.

Dec. 14: Nixon sues Robert and Laverne Dupont of Joplin for allegedly defrauding the Medicaid program of more than \$689,000 in payments.

Dec. 15: A St. Louis couple who owned a furniture store, and their daughter, are ordered



Nov. 16: Lauri Tanner, president and CEO of Ranken Jordan Pediatric Specialty Hospital in Maryland Heights, thanks Attorney General Nixon and members of area police departments for the \$5,000 donation to the hospital that came from a settlement in a "badge fraud" fundraising case.

to repay customers more than \$54,000 for furniture not delivered.

Dec. 19: Vacation Travel Outlet, a Branson travel club business, is ordered to pay a record \$1.9 million for consumer violations.

Dec. 20: Nixon files felony stealing charges against the former executive director of the Clinton Area Chamber of Commerce.



Dec. 20: The Attorney General asks the Jasper County Circuit Court to order an accounting of the Carthage Humane Society as his office looks into allegations of mismanagement.

Dec. 26: Nixon appoints seven new members to the advisory committee for the Missouri Foundation for Health, the state's largest health care foundation.

Dec. 29: Nixon meets Special Olympics bowler Danny Duvall of Kansas City, who was part of a bowling team that won the silver medal at the National Games. A longtime supporter of Special Olympics of Missouri, Nixon spoke to a group of athletes and encouraged them to never give up.

Nixon's office produces end-of-life planning guide Life Choices. Order free copies at ago.mo.gov.



Dec. 26: The Kansas City Regional Home Care Association recognizes Nixon for his work to make Missourians more aware of the need to plan for the end of life.

Dec. 27: Nixon says financing and credit issues topped the list of consumer complaints in Missouri in 2006.

Dec. 28: The consumer division returns a record \$5.4 million through informal mediation to consumers in 2006.



Dec. 29: The Financial Services Division recovers over \$757,000 from inmates for the cost of their care in 2006.

Dec. 29: The Public Safety Division collects more than \$560,000 from Missouri employers who violated state law by not carrying workers' compensation insurance for their employees.

Dec. 29: A Farmington generator dealer agrees to repay customers more than \$37,000 after Nixon alleged the business overcharged them for generators in the wake of an ice storm that hit eastern Missouri.



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